

Pogony 154512



Comptroller General
of the United States

342315

Washington, D.C. 20548

Decision

Matter of: Coastal Government Services, Inc.

File: B-261334.1

Date: June 1, 1995

DECISION

Coastal Government Services, Inc. protests the award of a contract to Capital Health Services, Inc. under request for proposals (RFP) No. N00140-94-R-CA-42, issued by the Department of the Navy for emergency care and primary health care services at Camp Lajeune, North Carolina. Coastal principally argues that the technical evaluation was flawed because offerors remained unsure as to the role and impact of an "advice nurse" on the historical workload data of the RFP.

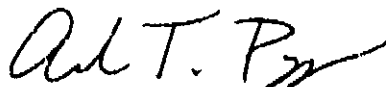
We dismiss the protest.

The RFP required award to the offeror whose proposal was most advantageous to the government. The RFP contained technical evaluation factors and stated that technical merit was more important than price. Initial proposals were received and evaluated, discussions were conducted, and best and final offers (BAFO) were received from four firms. From a technical standpoint, all firms were rated acceptable, with the exception of Coastal, which was rated unacceptable due to an alleged exception contained in its BAFO concerning staffing in the emergency room. Capital's price was \$36 million, offeror A's (next in line) price was \$39 million, offeror B's (second next in line) price was \$44 million, and Coastal's price was the highest at \$49 million. Award was made to Capital. This protest followed.

The agency has requested dismissal of this protest. The contracting officer states that even if Coastal had received superior and exceptional technical ratings, its price completely precludes any award to the firm because its price is not fair and reasonable. We note that the protester does not allege that the "advice nurse" ambiguity in the RFP had any substantial impact on its grossly inflated price as compared with the other offerors' prices. We conclude that Coastal's price, because of its own business reasons, was so high that the firm failed to submit a competitive proposal. A determination concerning price reasonableness is a matter of administrative discretion involving the exercise of

business judgment by the contracting officer; we have no basis to question his determination here. See Porter-Cable Corp., B-227401, June 19, 1987, 87-1 CPD ¶ 618. Consequently, we see no useful protest in further considering this protest.

The protest is dismissed.



Andrew T. Pogany
Deputy Assistant General Counsel

¹Coastal also alleges that the agency failed to evaluate Capital's price as unrealistically low. However, since Coastal did not submit a competitive proposal and would not be in line for award in any event, we will also not consider this allegation. See 4 C.F.R. § 21.0(a) (1995).